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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 2430 of 2007

Petitioner — Smt. Champa devi aged 62 years wife of Shri C.L. Dhimar resident of Bengali Para, New Sarkanda, Tahsil & Distt. Bilaspur (C.G.)

Versus

Respondent — Smt. Geeta devi aged 55 years wife of Chandra Prakash Tiwari resident of New Sarkanda, Tahsil & Distt. Bilaspur (C.G.)

Writ petition under Article 227 of the Constitution of India

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri

Present: Mr. Kamal Pandey, Advocate for the petitioner.
None appears for the respondent.

ORDER
(Passed on 20th Day of April, 2007)

1. Learned counsel appearing for the petitioner submits that the application under order 39 Rule 1 and 2 of the Code of Civil Procedure for stay was rejected on the ground that Smt. Champa Devi has not impleaded herself as a party- respondent in the connected suit pending before 4th Civil Judge Class II Bilaspur.

2. Learned counsel appearing for the petitioner has pointed out that pursuant to the order dated 5.10.2005 passed by this Court in W.P. No. 4732 of 2005. The petitioner has got herself impleaded as a party-respondent in other connected matters.

3. After the impugned order dated 24.9.2003 was passed which merged with the order dated 16.1.2007 passed by the 9th Additional District Judge (F.T.C.) Bilaspur in appeal which is impugned herein.

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4. Having regard to the facts that the petitioner has got herself impleaded, the matter is remitted back to the 3rd Civil Judge Class-II, Bilaspur to consider afresh the application filed under order 39 Rule 1 and 2 of the Code of Civil Procedure, if so filed, in view of subsequent development in the case, and pass appropriate order in accordance with law.

5. This petition is accordingly disposed of. No order as to costs.

Consequently, I.A. No. 01, application for ad-interim relief, stands disposed of.

Sd/-
Satish K.Agnihotri
Judge

Subhash